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Ninth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004)

I. Background

1. I have the honour to submit herewith my ninth semi-annual report on the implementation of Security Council resolution 1559 (2004). It provides an update on progress in the implementation of the resolution since my last report, of 16 October 2008 (S/2008/654), and highlights the remaining areas of concern with regard to efforts to strengthen the sovereignty, territorial integrity and political independence of Lebanon.

2. Over the past six months, the domestic political and security situation in Lebanon has continued to improve markedly. The commitments made at Doha have been either fully implemented or meaningfully acted upon. Political divisions between the majority March 14th and opposition March 8th have not led to paralysis, although there have been occasional tensions. The President, Michel Sleiman, has worked tirelessly to forge national unity.

3. The reporting period saw notable steps towards the normalization of ties between Lebanon and the Syrian Arab Republic, including the establishment of embassies and the exchange of visits of senior Government officials. Positive regional developments have also contributed to the stability of the country, in particular in the context of the Arab reconciliation efforts initiated by the Custodian of the Two Holy Mosques, King Abdullah Bin Abdulaziz Al Saud, at the Arab League Economic Summit held in Kuwait in January 2009.

4. On 14 February 2009, a rally was held on Martyrs' Square to commemorate the fourth anniversary of the terrorist attack that killed the former Prime Minister, Rafiq Hariri, and 22 others. A supporter of the Progressive Socialist Party was stabbed to death after attending the commemoration. On 16 February, a rally was organized to commemorate the one-year anniversary of the killing of Imad Mughnieh, a senior commander of Hizbullah.

5. On 1 March 2009, I announced that the Special Tribunal for Lebanon had started functioning at The Hague. The commencement of the Tribunal's work marked a decisive milestone in the tireless efforts by all Lebanese and the international community to uncover the truth, bring those responsible for the assassination of Rafiq Hariri and related crimes to justice and end impunity. I called upon all Member States to fully support and cooperate with the Special Tribunal for Lebanon as it embarks on its work.

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6. On 23 March 2009, a roadside bomb killed Kamal Medhat, deputy to the representative of the Palestine Liberation Organization (PLO) in Lebanon, Abbas Zaki. He and three of his bodyguards died in the blast, while three others were injured.

7. On 8 April, the General Prosecutor of Egypt announced that 49 people had been arrested, on the basis of information from State Security investigations, for allegedly being part of a cell assigned by Hizbullah "to plan and carry out hostile operations on Egyptian soil". On 10 April, the Secretary-General of Hizbullah, Sayyed Hassan Nasrallah, publicly acknowledged that Egyptian authorities had detained a Hizbullah operative for attempting to provide logistical and military assistance to Gaza-based militants. The Government of Egypt expressed its grave concern at external interference on sovereign Egyptian territory. Search for other members of the cell is continuing.

8. In an incident related to organized crime, on 13 April, four Lebanese soldiers were killed and several others were injured when their patrol came under the fire of machine guns and a rocket-propelled grenade, in eastern Lebanon.

II. Implementation of resolution 1559 (2004)

9. I recall that, since the adoption of Security Council resolution 1559 (2004), several of its provisions have now been implemented. Presidential elections were held in May 2008. The Syrian Arab Republic withdrew its troops and military assets from Lebanon in April 2005. Lebanon and the Syrian Arab Republic have established diplomatic relations and engaged in high-level talks on matters of relevance to the sovereignty, political independence and territorial integrity of Lebanon, such as the delineation of an international boundary between the two countries, as strongly encouraged by the Security Council in its resolution 1680 (2006).

10. Despite these major strides towards the full implementation of the requirements of resolution 1559 (2004), Lebanese and non-Lebanese militias continue to pose a threat to the stability of the country, and challenge the monopoly of the Government of Lebanon and the Lebanese Armed Forces on the use of force throughout Lebanon. Resolution 1559 (2004) thus remains to be implemented in full.

11. Over the past six months, my representatives and I have remained in regular and close contact with all parties in Lebanon, as well as with relevant regional and international players. I visited Lebanon on 17 January 2009, where I met the President of the Republic, the Speaker of the House and the President of the Council of Ministers, and addressed the Lebanese Parliament. On all these occasions, I expressed my full support for the sovereignty, independence and territorial integrity of Lebanon and the progress made in this regard. On 18 January 2009, I met with the President of the Syrian Arab Republic in Damascus to discuss, inter alia, the implementation of relevant Security Council resolutions pertaining to Lebanon. Most recently, I attended the Arab Summit in Doha on 31 March 2009, on the sidelines of which I held several bilateral meetings with Arab leaders, among them the President of Lebanon, the President of the Syrian Arab Republic, Bashar al-Assad, the Emir of Qatar, Sheikh Hamad bin Khalifa Al-Thani, and the

Palestinian President, Mahmoud Abbas, to discuss, inter alia, the situation in Lebanon.

A. Sovereignty, territorial integrity, unity and political independence of Lebanon

12. The primary goal of resolution 1559 (2004) is to strengthen the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon, consistent with the Taif Agreement of 1989, to which all the political parties in Lebanon committed themselves. This matter has remained the highest priority in my efforts to assist with the implementation of the resolution.

13. In view of the signature, in Damascus on 15 October 2008, by the Foreign Ministers of the Syrian Arab Republic and Lebanon of a memorandum establishing diplomatic relations effective the same day, on 20 December the Lebanese Council of Ministers appointed Michel Khoury as Lebanon's first ambassador to the Syrian Arab Republic. On 22 December, the Syrian embassy in Beirut became operational. On 16 March 2009, the embassy of Lebanon in Damascus was inaugurated. On 24 March, President Sleiman approved the appointment of Ali Abdel Karim Ali as the first ambassador to Lebanon of the Syrian Arab Republic. On 20 April, Michel Khoury arrived in Damascus to take up his post. With these recent steps, the Syrian Arab Republic and Lebanon have nearly completed the process leading to the establishment of full diplomatic relations between the two countries, in fulfilment of resolution 1680 (2006). I congratulate the Presidents of the Syrian Arab Republic and Lebanon for this historic accomplishment.

14. I have also maintained my efforts to encourage the Syrian Arab Republic and Lebanon to achieve the full delineation of their common border. On 23 December 2008, President Sleiman issued a presidential decree naming the Lebanese members of the Lebanese-Syrian border committee tasked with delineating their common border, which was reactivated pursuant to the agreement reached in Damascus between the Presidents of the two countries on 13 and 14 August 2008. In my recent meetings with President Al-Assad and President Sleiman, both informed me that the joint border committee would convene within a month to start its work on the delineation of the borders. I look forward to the appointment by the Syrian Arab Republic of its delegates to the committee. I welcome the renewed commitment of the two countries to make progress on this matter and expect its early materialization.

15. I have continued diplomatic efforts in relation to the issue of the Shab'a Farms area, and will report on this further in my upcoming report on the implementation of Security Council resolution 1701 (2006).

16. I remain concerned regarding the porous nature of Lebanon's border with the Syrian Arab Republic and the continuing potential for breaches of the arms embargo. While the Lebanese authorities themselves have not reported any incidents of arms smuggling since my last report to the Security Council, Hizbullah leaders continue to assert that it has acquired more sophisticated military technology. Senior officials of the Syrian Arab Republic assert that Damascus is not involved in any illegal transfer of weapons across its border with Lebanon. I am alarmed by continuing reports of a large number of arms in Lebanon. I take these reports

seriously but the United Nations does not have the means to independently verify them. In this context, I call upon all States to abide by the arms embargo. This is a key factor for stability in Lebanon and the region.

17. Meanwhile, the Syrian Arab Republic has again assured me of its intention to cooperate with the Lebanese authorities on border control issues. In this context, I took positive note that the most recent extension of the ongoing Syrian troop deployment along the Lebanese border has been increasingly coordinated with the Lebanese authorities. Further operational coordination between the Syrian Arab Republic and Lebanon will be needed to enhance border control on both sides. I call upon the Government of Lebanon to implement in full the recommendations of the Lebanon Independent Border Assessment Team.

18. Intrusions into Lebanese airspace by Israeli aircraft and unmanned aerial vehicles continued in high numbers in violation of Lebanese sovereignty and Security Council resolutions. The Government of Lebanon continued to protest against these overflights, which the Government of Israel claims are carried out for security reasons. My representatives and I have repeatedly deplored these violations and called on Israel to cease the overflights.

19. Israel continues to occupy the northern part of Ghajar in violation of Lebanon's sovereignty and relevant Security Council resolutions. My representatives in the region are actively working with the Lebanese and Israeli authorities to find an early solution to this matter. I will report on this issue in more detail to the Council in my next report on the implementation of resolution 1701 (2006).

20. On 23 April 2009, a Lebanese prosecutor charged a retired Lebanese officer and three other people with spying for Israel and referred them to the military court. If these allegations proved to be true, it would constitute a violation of Lebanon's sovereignty. Several Lebanese citizens have been arrested in recent months on similar allegations.

B. Extension of Government control over all Lebanese territory

21. The Government of Lebanon has reiterated its fundamental objective in extending the Government's authority over all Lebanese territory so that it is the sole armed force in the country, with the exception of United Nations peacekeeping forces. It has also committed itself to improving the monitoring over the land borders to prevent unauthorized flows of weapons, munitions and personnel into the country.

22. The continued existence and activities of militias as well as the allegations of widespread rearming and paramilitary training by groups on all sides of Lebanon's political spectrum constitute a challenge for the exclusive military authority of the Government of Lebanon. In addition, there are reports of a proliferation of extremist group activities, particularly in northern Lebanon.

23. I strongly condemn the recent attack against the Lebanese Armed Forces, a prominent symbol of the authority of the State. It highlights the proliferation of weapons and armed groups in Lebanon, whose existence is a direct threat to the stability of the country. I join President Sleiman in commending the Lebanese Armed Forces in its efforts to track down the criminals and note that the army

confiscated a significant quantity of drugs, weapons, ammunition and other military equipment.

24. The presence of heavily armed positions belonging to the Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifadah on the border between the Syrian Arab Republic and Lebanon gives those militias de facto control of parts of the land border. I call upon the two countries to address this dangerous anomaly.

25. On three separate occasions, rockets were fired from southern Lebanon towards Israel. The Israel Defense Forces retaliated with artillery fire. Further, during the reporting period, the United Nations Interim Force in Lebanon (UNIFIL) and the Lebanese Armed Forces discovered 50 rockets, some of which were equipped with timers and ready to be launched towards Israel. These events are stark reminders that the situation in southern Lebanon remains volatile. I commend the efforts of UNIFIL and the Lebanese Armed Forces to investigate and deter future such attacks in the UNIFIL area of operations.

26. The Lebanese Armed Forces play a crucial role in facing the above-mentioned challenges and in strengthening Lebanon's sovereignty and control over all the country, thereby promoting stability in Lebanon and beyond. The multiple security responsibilities of the Lebanese Armed Forces, compounded by the fact that they lack adequate military equipment, have an impact on their capacity to meet their obligations under relevant Security Council resolutions. I therefore call on donor countries to continue to come forward and assist the Lebanese Armed Forces to improve their logistical and operational capabilities.

C. Disbanding and disarmament of Lebanese and non-Lebanese militias

27. The threat that armed groups and militias pose to the sovereignty and stability of the Lebanese State cannot be overstated, as events in May 2008 demonstrated. It creates an atmosphere of intimidation in the context of the upcoming parliamentary elections. It also undermines the stability of the region, and is incompatible with the objectives of resolution 1559 (2004), which aims at strengthening the sovereignty, territorial integrity, unity and political independence of Lebanon.

28. The most significant remaining Lebanese militia is the armed component of Hizbullah. In addition, several Palestinian militias operate in the country, inside and outside refugee camps.

29. I am pleased that the National Dialogue under the auspices of the President of the Republic has continued to convene on a quasi-monthly basis to develop a national defence strategy, which should consider ways to enhance the authority of the State. The last session was held on 2 March, and the participants committed themselves, inter alia, to work to guarantee a political and security climate favourable to the peaceful conduct of the parliamentary election, free of violence and inflammatory rhetoric. It was also agreed that experts would continue to seek to develop a national defence strategy. The next session will convene on 28 April.

30. Over the reporting period, there has been no tangible progress towards the disbanding and disarming of Lebanese and non-Lebanese militias as called for in the Taif Agreement and resolution 1559 (2004).

Palestinian militias

31. During the past few months, in particular in the context of the war in Gaza, tension has increased in Palestinian camps in Lebanon. While the Palestinian factions in Lebanon were eager to demonstrate unity across party lines during the recent conflict with Israel, the situation changed after the ceasefire. The declared commitment to unity can no longer disguise deepening divisions between the political factions on the ground — divisions that represent an additional factor of instability in an overall volatile security context. I am concerned that tensions between PLO and Hamas have become more apparent in the camps. Lebanese security authorities have stepped up their efforts to reach out to the rival faction leaders in a number of camps.

32. Frequent clashes were reported inside and around refugee camps. The most serious event was the terrorist attack on 23 March that killed Kamal Medhat, deputy head of PLO in Lebanon and three of his bodyguards.

33. Some refugee camps, in particular Ain el-Hilweh, provide safe haven for those who seek to escape the authority of the State. That constitutes a reminder of the grave threat that armed groups pose to the stability and sovereignty of Lebanon, underlining the urgency of disarming them. Security coordination and cooperation between the Lebanese security agencies and the Palestinian factions have improved and should be further encouraged.

34. The issue of Palestinian arms outside 12 official refugee camps in Lebanon has resurfaced in the Lebanese political discourse. There are four such Palestinian military bases located along the Lebanese-Syrian border, as well as a fifth, south of Beirut. Those military installations are illegally maintained by the Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifadah.

35. The alleged involvement of the Popular Front for the Liberation of Palestine-General Command in the firing of rockets from Lebanese soil towards Israel at the time of the Gaza war drew national attention to the activities of this group and the risks it posed to stability in Lebanon. This question has also been on the agenda of the National Dialogue. However, no conclusive results have been reached at this stage. While the 14 key political leaders achieved agreement in the 2006 National Dialogue that those Palestinian armed positions had to be dismantled within six months, no progress has been made. During recent rounds of the National Dialogue, Lebanese leaders have reiterated their commitment to that agreement. The time has come to implement that important decision.

36. I am mindful that the implementation of the decisions reached by the National Dialogue in 2006 to disarm Palestinian militias outside the camps falls primarily under the responsibility of the Lebanese authorities. Nevertheless, given that the Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifada are both headquartered in Damascus, I request the Government of the Syrian Arab Republic to assist the Lebanese in this process and to urge those groups to abide by the decisions of the Government of Lebanon.

37. The Palestinian President, Mahmoud Abbas, has thanked the Government of Lebanon for its efforts to improve the living conditions of Palestine refugees in Lebanon. In this context, the leadership of the Palestine Liberation Organization has reiterated to me the need for the Palestinians in Lebanon to respect the sovereignty and political independence of Lebanon, and Lebanese law and security

requirements. The commendable policies adopted by the Government led by the Prime Minister, Fouad Siniora, on this issue should be pursued and implemented by the new government of Lebanon to be formed after the June elections.

38. Indeed, given the detrimental effects of living conditions in the camps on the wider security situation in Lebanon, I remain convinced that it is imperative that progress be made not only towards disbanding and disarming Palestinian militias in Lebanon, but also towards improving the conditions in which the refugee population lives, without prejudice to the settlement of the Palestine refugee question in the context of an eventual Israeli-Palestinian peace agreement.

39. Progress, albeit slow, continues to be made towards the reconstruction of the destroyed Nahr el-Bared refugee camp. Insufficient donor funding remains a critical obstacle, however. Securing adequate funding to enable the more than 30,000 displaced persons to return speedily to their homes would contribute to the broader goal we all share of strengthening Lebanon's stability and security. The Prime Minister is to be commended for his commitment to improving security in and around the 12 official refugee camps in Lebanon, using Nahr el-Bared as a model. At the same time, I encourage the continued improvement of intercommunal dialogue and greater freedom of movement for the refugees, as espoused by the Lebanese-Palestinian Dialogue Committee.

Lebanese militias

40. The understanding reached in the Taif Agreement in the aftermath of the civil war that all Lebanese and non-Lebanese militias would disband and disarm, led, at the time, Lebanese militias, with the exception of Hizbullah, to give up their armed capacities. This understanding must be preserved and implemented by all in order to avoid the spectre of a renewed confrontation among the Lebanese.

41. Hizbullah continues to maintain a substantial paramilitary capacity and infrastructure separate from the State in violation of Security Council resolution 1559 (2004). This arsenal, which by Hizbullah's own description includes a separate telecommunications network, is a direct challenge to the sovereignty of the Lebanese State and an obstacle for the conduct of the normal democratic process in the country. I have been deeply concerned by recent public statements by leaders of Hizbullah suggesting that the militia has sought to upgrade its paramilitary capacity. I therefore reiterate my call on Hizbullah to comply immediately with all relevant Security Council resolutions and the Taif Agreement.

42. I was concerned at the statements made by Hizbullah leaders during the recent conflict in Gaza, exhorting the Egyptian military to defy its political leadership in support of Hamas militants. Further, I am alarmed that Hizbullah publicly admitted to providing support to Gaza-based militants from Egyptian territory. Such activity indicates that Hizbullah operates outside Lebanese territory and beyond its stated national agenda. I condemn such unwarranted interference in the domestic affairs of a sovereign Member State.

43. The eventual disarmament of Hizbullah and the completion of its transformation into a solely political party, consistent with the requirements of the Taif Agreement, is essential for the full restoration of the sovereignty, territorial integrity and political independence of Lebanon. It is also vital for regional peace and stability. I therefore urge all parties which maintain close ties with Hizbullah

and have the ability to influence it, in particular the Islamic Republic of Iran and the Syrian Arab Republic, to encourage this process.

General

44. The disbanding and disarming of all Lebanese and non-Lebanese militias, as called for in the Taif Agreement and resolution 1559 (2004), constitute a vital objective to secure and strengthen the sovereignty, integrity and political independence of Lebanon. They are also essential for the stability of the region.

45. I reiterate my firm conviction that the disarmament of Lebanese and non-Lebanese militias should be affected through a political process that will lead to the monopoly on the use of force by the Government of Lebanon throughout all of its territory. The ultimate purpose of disarmament is the establishment of a strong Lebanese State for all inhabitants of Lebanon. This political process presupposes, in the first instance, clear respect of the Constitution and the Taif Agreement from all parties as well as dialogue and a spirit of cooperation and conciliation between the various political forces in Lebanon.

46. Mindful of the regional ramifications of this issue, I call on all parties, inside and outside Lebanon, to halt immediately all efforts to transfer, or acquire weapons and build paramilitary capacities outside the authority of the State.

III. Observations

47. Almost a year has passed since the adoption on 21 May 2008 of the agreement between Lebanese political leaders brokered by the Emir of Qatar with the support of the League of Arab States. Considering the level of tension and violence that prevailed in Lebanon prior to the agreement, its implementation has been particularly smooth. Since the election of President Sleiman, Lebanon has witnessed its longest period of domestic stability since the adoption of resolution 1559 (2004). The general improvement of the situation in the country, combined with reconciliation efforts in the region, creates a potential momentum to strengthen the sovereignty and political independence of Lebanon and Government control throughout the country.

48. I remain concerned, however, at the occasional security incidents during the reporting period, some of which have led to casualties. Those occurrences highlight the proliferation of weapons and armed groups that continue to operate in Lebanon and whose existence is an ongoing violation of resolution 1559 (2004), and a direct threat to the stability of the country and the region as a whole. The threats posed by the existence of militias outside the control of the State render valid the remaining provisions of resolution 1559 (2004) as they relate to the disarmament of all armed groups and the extension of the Government's control throughout the country. The disbanding and disarming of Lebanese and non-Lebanese militias is a necessary element to the complete consolidation of Lebanon as a sovereign and democratic State.

49. I am concerned by security incidents in and around Palestinian camps. While I recognize that security cooperation between the Lebanese authorities and Palestinian factions has improved, more needs to be done to contain violence that could potentially spillover into surrounding areas. More specifically, I call upon the

Lebanese authorities to take the necessary measures, consistent with the decisions of the National Dialogue, to dismantle the paramilitary infrastructure outside refugee camps of the Damascus-headquartered Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifadah, mindful that the Syrian Arab Republic has a particular responsibility to aid the Lebanese authorities in these efforts.

50. Hizbullah's maintenance of a paramilitary capacity poses a key challenge to the Government's monopoly on the legitimate use of force. Recent clandestine and illegal militant activities by the militia beyond Lebanese territory indicate that its objectives extend beyond Lebanon and, as such, pose a threat to regional peace and stability. I call upon Hizbullah to cease any militant activities outside Lebanon and to complete its transformation into a solely Lebanese political party, consistent with the requirements of the Taif Agreement. Regional parties, particularly those that maintain close ties with Hizbullah, must encourage it in the same direction.

51. While the issue of Hizbullah's weapons continues to be central to the political debate in Lebanon, I reiterate my conviction that the disarming and disbanding of Lebanese and non-Lebanese militias should be effected through an inclusive political dialogue that addresses the political interests of all Lebanese, and ultimately confirms the sole political and military authority of the Government of Lebanon.

52. I am encouraged that the National Dialogue convened by President Sleiman meets regularly. The dialogue touches upon fundamental issues that will affect Lebanon's future and character as a State well beyond the immediate horizon. In this sense, I urge all the parties not to let the process be derailed by short-sighted electoral interests.

53. While recognizing the merits of the process, the overall gains of the National Dialogue have remained limited, at this stage. I therefore urge all Lebanese leaders to approach this process in a spirit of cooperation and to exert every effort towards a positive and concrete outcome that formalizes the Government of Lebanon's monopoly over the use of force within the country's boundaries and generates progress towards the disarmament of all Lebanese and non-Lebanese militias consistent with Security Council resolutions and the Taif Agreement.

54. The parliamentary elections scheduled for 7 June 2009 will constitute a new milestone in the momentous transition that Lebanon has undertaken since the adoption of resolution 1559 (2004). I am glad that the Lebanese leaders have committed themselves to free and fair elections void of violence and inflammatory rhetoric. It is indeed essential that the parties continue to adhere to the Doha agreement, including the commitment to refrain from the use of weapons to settle internal political dispute. The leaders of Lebanon must think first and foremost about the future of their country and transcend sectarian and individual interests. On 7 June, the Lebanese will have a unique opportunity to express their genuine commitment to democracy.

55. As we are marking the fourth anniversary of the withdrawal by the Syrian Arab Republic of its troops from Lebanon, I am glad that relations between the two historically close neighbours have improved markedly and entered a new phase with the establishment of diplomatic relations. I praise President Bashar al-Assad and President Michel Sleiman for their leadership. I hope that this achievement heralds an era of renewed cooperation between the two countries in mutual respect for their

sovereignty and political independence. I am looking forward to the outcome of the work of the joint committee tasked with the delineation of the border between the two countries, as called for in resolution 1680 (2006). Tangible progress on the demarcation of the border will benefit both countries.

56. In sum, I am relieved that the political and security situation in Lebanon has improved considerably over the past year. I remain, however, keenly conscious that the combination of mistrust among the parties, political competition in the context of the parliamentary elections, and the continued presence of militias could lead to tensions and possible further insecurity and instability in Lebanon and beyond. It is therefore imperative that Lebanon preserve its comprehensive political framework of coexistence — as set out in the Taif Agreement — in an atmosphere free from intimidation.

57. I call on all parties and actors to fully abide by resolutions 1559 (2004), 1680 (2006) and 1701 (2006). I will continue my efforts for the purpose of the full implementation of these and all other relevant Security Council resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon.